



# Regulatory Committee

**Tuesday 14 September 2010 7.30pm**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

**Please note that this meeting takes place immediately after  
the Licensing Committee**

## Members of the Committee

Councillors D W Parr (Chairman), Mrs F J Barden (Vice-Chairman), R J Edis, Mrs M T Harnden and P S Sohi.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

## A G E N D A

### Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant "background papers" are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Department of Administration and Leisure, Committee Section, Civic Centre, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on [www.runnymede.gov.uk](http://www.runnymede.gov.uk).
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

see overleaf

**If you need help reading this document please contact Denise Morley on 01932 425610 who will try to provide a reading service, a large print version, or another format.**

## বাঙলা

আপনি যদি ইংরেজি পড়তে বা বলতে না পারেন, ও এই লেখাটি পড়তে যদি আপনার কোনও সাহায্য লাগে তাহলে অনুগ্রহ করে 01483 750548 নাম্বারে উইটস্ লিঙ্কলাইন (WITS Linkline)-এর সাথে যোগাযোগ করুন ও আপনার নিজের ভাষায় একটা মেসেজ রাখুন।

## 简体中文

如果您无法阅读或说英语，需要协助以明白此文件，请与和景翻译服务处之语言专线连络 01483 750548，并用您的母语留下讯息。

## Italiano

Qualora non siate in grado di leggere o di parlare l'inglese, e necessitate assistenza che vi permetta di capire il presente documento, siete pregati di contattare la WITS Linkline allo 01483 750548 e lasciare un messaggio nella vostra lingua.

## اردو

اگر آپ انگریزی زبان پڑھ اور بول نہیں سکتے ہیں اور آپ کو اس دستاویز کو سمجھنے میں دقت پیش آتی ہے؛ تو برائے مہربانی سے وٹس لنک لائن کو اس نمبر 01483 750548 پر رابطہ کریں اور اپنی زبان میں اپنا پیغام چھوڑیں۔

## Polski

Jeżeli nie potrafisz czytać lub mówić po angielsku i potrzebujesz pomocy w zrozumieniu tego dokumentu, proszę skontaktować się z Linia Telefoniczną WITS pod numerem 01483 750548, zostawiając wiadomość w języku ojczystym.

## Español

Si no puede leer o hablar inglés, y necesita ayuda para entender este documento, por favor contacte a WITS Linkline al 01483 750548 y deje un recado en su idioma.

**LIST OF MATTERS FOR CONSIDERATION**

**PART I**

**Matters in respect of which reports have been made available for public inspection**

	<b><u>PAGE</u></b>
1. FIRE PRECAUTIONS	4
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	4
3. MINUTES	4
4. APOLOGIES FOR ABSENCE	4
5. DECLARATIONS OF INTEREST	4
6. FINANCIAL MONITORING STATEMENT	4
7. PETITION – ASSOCIATION RUNNYMEDE TAXI SERVICES	5
8. PUBLIC CHARITABLE COLLECTIONS – CRITERIA, GUIDANCE NOTES AND STREET COLLECTIONS REGULATIONS	7
9. EXCLUSION OF PRESS AND PUBLIC	8

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
  
- b) Confidential Information  
(No reports to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign, as correct records, the Minutes of the meetings of the Committee held on 3 and 14 June 2010 which were included in the July 2010 Minute Book, previously circulated.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. FINANCIAL MONITORING STATEMENT (DF)

(Ref: Minutes of Regulatory Committee, April 2010, page 745, para 712)

1. Purpose of Report

1.1 **The purpose of this report is to inform the Committee of the latest financial projections for the 2010/11 financial year for regulatory services.**

2. Background Information

2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.

2.2 Each statement reflects an updated position based upon the 2010/11 estimates approved by this Committee in January.

3. Report

3.1 The statement attached at Appendix 'A' is split into two distinct parts:

- Projected budget and forecast
- Current year key budget indicators

3.2 The Projected budget and forecast sections show any anticipated variations in the current year's budget. These variations are categorised as approved changes and other potential changes. The achievement of the revenue reductions programme approved by the Council is one of the Council's key performance indicators and these savings targets are now included in this section of each statement. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.

3.3 The second section of each statement sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount expected (the budget) for the period covered by each statement. Whilst this shows some minor variations for the period, it is anticipated that these are purely timing issues and are not expected to affect the final outturn position.

**(FOR INFORMATION)**

## Background Papers

None stated.

### 7. PETITION – ASSOCIATION RUNNYMEDE TAXI DRIVERS (DTS)

#### 1. Purpose of Report

- 1.1 **The purpose of this report is to advise Members that a petition has been received from the Association Runnymede Taxi Services (ARTS), requesting that a limit to the number of Hackney Carriages licensed by the Council be imposed.**
- 1.2 **Under the Council's recently approved scheme for responding to petitions, if the petition contains more than 50 signatures, it will be considered.**
- 1.3 **The Committee is asked to consider the issues raised by the petition.**

#### 2. Background Information

- 2.1 Placing a limit on the number of licensed Hackney Carriages has not been considered by this Council for at least the last ten years.

#### 3. Report

##### Drivers' Petition

- 3.1 On 2 August 2010 Officers received a petition from the Association Runnymede Taxi Services (ARTS) requesting that Runnymede Borough Council ceases to issue any new Hackney Carriage vehicle licences, effectively 'capping' the current number of 118 licensed vehicles. A copy of the petitioner's prayer is set out below:

“Notwithstanding the effects of present recession is having on the earnings of Taxi drivers, this is being compounded by the Council's licensing department continuing to issue new Hackney carriage licenses regardless of the number already in existence.

We would be obliged if this practice is stopped for the time being. We hope that you can see the logic in our request.”
- 3.2 The petition lists 63 signatures from licensed drivers (one of which was subsequently withdrawn), rather than proprietors of Hackney Carriage (HC) vehicles. Three are Private Hire drivers, and are therefore not permitted to drive Hackney Carriages. 131 drivers are currently licensed to drive Hackney Carriages. Therefore, the petition represents 46% of Hackney Carriage drivers.
- 3.3 Under the Council's recently approved scheme, petitions containing more than 50 signatures must be considered. The petition does not include the signatories' addresses which is a requirement under the scheme.
- 3.4 However, the signatories have all provided their driver numbers which, in effect, gives their addresses, as all this information is held on the driver records in the Licensing Section. Therefore, Officers consider it appropriate to accept the petition, as it stands, for consideration by this Committee, and the organiser of the petition has been advised accordingly.
- 3.5 Officers from the Licensing Section have met with the Trade to discuss the petition and a copy of the correspondence with them is attached at Appendix 'B'.
- 3.6 The petitioner appended details of recent 'capping' in the nearby Licensing Authority of Bracknell Forest. Officers have established that this decision was reversed in July 2010 and that Authority no longer has a limit.

### Current Numbers of Licensed Vehicles

- 3.7 Although the number of Hackney Carriages in Runnymede has increased over the last four years, the total number of licensed vehicles, including the Private Hire sector has, in fact, decreased as set out below:

	Hackney Carriages	Private Hire Vehicles
May 2006	102	257
Aug 2010	118	230

- 3.8 The number of licensed Hackney Carriages has increased by 16 in 4 years, however the total number of licensed vehicles has decreased by 27.
- 3.9 Anecdotal evidence suggests that a number of Private Hire drivers have swapped to Hackney Carriages, so they can use bus lanes, particularly in London.

### Department of Transport Guidance

- 3.10 Most local licensing authorities do not impose quantity restrictions which is regarded as best practice by the Department for Transport (DfT).
- 3.11 Where restrictions are imposed, the DfT advises that the matter be regularly reviewed. In addition, the DfT urges that in any policy review consideration should firstly be given to whether the restrictions should continue at all. It is suggested that the interests of the travelling public (i.e. the people who use the taxi service) should have priority. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that although there are people who want to enter the taxi market and provide a service to the public, they may be prevented from doing so by quantity restrictions. Officers consider that such a policy is very hard to justify.

### Other Surrey Licensing Authorities

- 3.12 Currently no other Licensing Authority in Surrey imposes a limit on the number of Hackney Carriages which may be licensed, and although there were three authorities, which previously had a restriction, all have relaxed the control completely during the last five years.

## 4. Council Policy

- 4.1 Current policy is that there be no limit on the number of licensed Hackney Carriages in the Borough.

## 5. Resource Implications

- 5.1 If a local authority takes the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey and it would be necessary to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 5.2 Officers estimate that the cost of such a survey is likely to be in the region of £15,000 initially, whether or not a limit is imposed, with similar costs for future surveys on a triennial basis.
- 5.3 Clearly, in the Council's financial position this is not an option unless the costs can be covered by an increase in annual vehicle licence fees. However, this would almost certainly meet with objections from members of the trade.

## 6. Legal Implications

- 6.1 Section 16 of the Transport Act 1985 provides that the grant of a Hackney Carriage licence, outside of London, may be refused, for the purpose of limiting the number of licensed Hackney Carriages 'if, but only if, the local licensing authority is satisfied that there is no significant demand for the services of Hackney Carriages which is unmet.'

- 6.2 In the event of a challenge to a decision to refuse a licence, the Council would have to establish that it had reasonably been satisfied that there was no significant unmet demand.
- 6.3 There is no requirement that a licensing authority consider the imposition of a limit on the number of licensed Hackney Carriages.
- 6.4 There is also no provision for limiting the number of private hire vehicles.

**OFFICERS' RECOMMENDATION that –**

**Members are not minded to consider an investigation into whether to change the present policy of no limit being imposed on the number of Hackney Carriages licensed by Runnymede Borough Council.**

**(TO RESOLVE)**

Background Papers

The Petition from and Correspondence with the Association Runnymede Taxi Drivers held on DTS and DAL files.

8. PUBLIC CHARITABLE COLLECTIONS CRITERIA AND GUIDANCE NOTES AND STREET COLLECTIONS REGULATIONS (DAL)

(Ref: Minutes of Regulatory Committee, November 2007, page 601, para 397 and September 2008, page 278, para 226)

1. Purpose of Report

1.1 **The purpose of this report is to seek approval of updated Criteria and Guidance Notes for Public Charitable Collections and re-adoption of the Street Collections Regulations.**

2. Background Information

2.1 At the meeting of this Committee in November 2007, Members noted that the draft policy on the way in which public charitable collections will be dealt with under the new Charities Act 2006 and approved at the previous meeting in September 2007, was being held in abeyance, pending the arrival of the Regulations made under the Act.

2.2 At the time the regulations were expected sometime in 2009. However, the Office for Civil Society (part of the Cabinet Office), has yet to consult on the Regulations and Officers need to update the Criteria and Guidance notes to reflect changed custom and practice as the aging legislative framework under which Charitable Collections fall lose pace with the changing nature of fundraising.

2.3 As and when relevant provisions of the Charities Act 2006 are made (called Commencement Orders), the Committee will be advised accordingly and the previously approved draft policy will be updated as necessary and re-issued for consultation.

3. Report

3.1 Officers have revised the Criteria and Guidance notes for Public Charitable Collections accordingly, as attached at Appendix 'C', for which approval is sought and are also seeking re-adoption of the Street Collections Regulations as attached at Appendix 'D'.

3.2 There has been no definitive statement from the Office for Civil Society since 2008 on when the new regime for Public Charitable Collections might be implemented. In view of this, approval is also sought for the Director of Administration and Leisure to update the Criteria and Guidance Notes under delegated authority as and when necessary pending the arrival of the relevant regulations.

4. Legal Implications

- 4.1 The Charities Act 2006 governs the way in which public charitable collections are administered and local authorities are permitted to continue with their own criteria and bylaws until such time as the Regulations come into force.
- 42 Until the Regulations appear the current Regulations governing Street and House to House Collections remain in force and Officers have not deleted reference to them.
- 4.3 The Street Collections Regulations will, if re-adopted, be submitted to the Minister for Civil Society for confirmation as required.
5. Equality Issues
- 5.1 Officers will endeavor to ensure that in policy and practice and acting within the remit of the Charities Act 2006 and other relevant legislation, all applicants for a Street Collection permit or House to House Collection licence are treated equally in accordance with the Equalities Impact Assessment presented to Members previously.

**OFFICERS' RECOMMENDATION that –**

- i) the revised Public Charitable Collections Criteria and Guidance Notes attached at Appendix 'C' be adopted with immediate effect;**
- ii) the Street Collections Regulations as attached at Appendix 'D' be re-adopted and submitted for confirmation by the Minister for Civil Society; and**
- iii) the Director of Administration and Leisure be authorised to make such amendments thereto as he sees fit pending the relevant Regulations coming into force**

**(TO RESOLVE)**

Background Papers

None.

9. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

**OFFICERS' RECOMMENDATION that –**

**where appropriate the press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report(s) in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraphs of Part 1 of Schedule 12A of the Act.**

**(TO RESOLVE)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(No reports to be considered under this heading)